

Order

**Michigan Supreme Court
Lansing, Michigan**

October 9, 2009

Marilyn Kelly,
Chief Justice

138917 & (72)
138919

Michael F. Cavanagh
Elizabeth A. Weaver
Maura D. Corrigan
Robert P. Young, Jr.
Stephen J. Markman
Diane M. Hathaway,
Justices

AUTO-OWNERS INSURANCE COMPANY,
Plaintiff/Counter-Defendant/
Appellee/Cross-Appellant,

v

SC: 138917
COA: 277574
Mason CC: 05-000436-CZ

FERWERDA ENTERPRISES, INC., d/b/a
HOLIDAY INN EXPRESS LUDINGTON,
Defendant/Counter-Plaintiff/
Appellant/Cross-Appellee,

and

DARYL BRONKEMA, Next Friend of
JACKSON THOMAS BRONKEMA,
CALEB ANDREW BRONKEMA and
SAVANNAH JOY BRONKEMA, and
DARYL BRONKEMA and MELISSA
BRONKEMA, Husband and Wife,
Defendants-Appellants/
Cross-Appellees.

AUTO-OWNERS INSURANCE COMPANY,
Plaintiff/Counter-Defendant/
Appellee/Cross-Appellant,

v

SC: 138919
COA: 277574
Mason CC: 05-000436-CZ

FERWERDA ENTERPRISES, INC., d/b/a
HOLIDAY INN EXPRESS LUDINGTON,
Defendant/Counter-Plaintiff/
Appellee/Cross-Appellee,

and

DARYL BRONKEMA, Individually and

Next Friend of JACKSON THOMAS
 BRONKEMA, CALEB ANDREW
 BRONKEMA and SAVANNAH JOY
 BRONKEMA, and MELISSA BRONKEMA,
 Defendants-Appellants/
 Cross-Appellees.

On order of the Court, the applications for leave to appeal the April 9, 2009 judgment of the Court of Appeals and the applications for leave to appeal as cross-appellant are considered and, pursuant to MCR 7.302(H)(1), in lieu of granting leave to appeal, we REVERSE the judgment of the Court of Appeals and we REMAND this case to the Court of Appeals for consideration of whether the trial court properly assessed attorney fees and penalty interest against plaintiff Auto-Owners Insurance Company. The circuit court correctly granted summary disposition in favor of the defendants because the subject policy unambiguously provided coverage for the defendants' claim. Accordingly, we REINSTATE the circuit court's judgment and we REMAND this case to the Court of Appeals for further proceedings not inconsistent with this order.

We do not retain jurisdiction.



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I, Corbin R. Davis, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

October 9, 2009

Corbin R. Davis

Clerk